

# Valley Asphalt Corporation

11641 Mosteller Road  
Cincinnati, Ohio 45241

Phone 513-771-0820  
FAX 513-771-2678

CERTIFIED MAIL # 7001 2510 0003 5156 6952

December 11, 2002

U.S. Environmental Protection Agency  
Deena Sheppard-Johnson, SR-6J  
Remedial Enforcement Support Section  
77 West Jackson Blvd.  
Chicago, Illinois 60604

EPA Region 5 Records Ctr.



368633

Re: The South Dayton Dump  
1976 Dryden Road  
Moraine, Oh 45439  
**30-Day Information Request**

To Whom It May Concern:

Response to Enclosure 2 Questions:

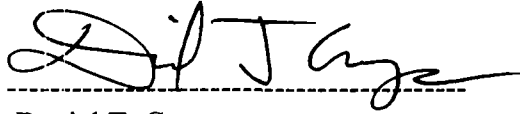
1. The people consulted in the preparation of the answers to these questions:  
Jim Jurgensen – President  
Jim Jurgensen II – General Manager  
Roy Turton – Dayton Manager  
Jim Bonner – Registered Surveyor  
Dan Crago – Environmental Manager
2. All company documents were reviewed for relevancy to the subject property at 1976 Dryden Road. We do not have any knowledge of or documentation showing that we disposed of any materials at the South Dayton Dump.
3. All persons with potential information relevant to this site were queried as to any information that might be available.
4. Valley Asphalt Corporation, located at 1901 Dryden Road, currently has air permit # 0857101899P001 to operate a hot mix asphalt batch plant and # OHD004245213 to burn off-spec oil.



5. We are not aware of any omissions by any persons that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting there from at the South Dayton Dump site.
6. We are not aware of any people that may have generated, used, treated, stored, disposed, or hauled any waste materials to the South Dayton Dump site.
7. a) We did not generate any waste material which was sent to the South Dayton Dump site.  
7. b) We did not transport any material to the South Dayton Dump site.
8. We did not dispose of, treat, arrange for the transportation for disposal or treatment of any materials including, but not limited to hazardous substances at the South Dayton Dump site. Sections 8a through 8q are not applicable.
9. A copy of our liability insurance policy is enclosed.
10. Based on its internal investigation, Valley Asphalt Corporation is not a potentially responsible party at the South Dayton Dump. Although Valley Asphalt reserves the right to raise any defense in the future, it does not at this time plan to assert an "inability to pay" defense against any potential claims by USEPA for costs associated with the removal or remedial action at the site. Therefore, USEPA's demand for Valley Asphalt's income tax returns for the last five years is premature. We would be interested in receiving copies of any information that the U.S. EPA has that would indicate that Valley Asphalt Corporation is a potential responsible party.
11. a) Copies of the Articles of Incorporation are enclosed.  
  
b-c) See response to question No. 10 above.  
  
d) The John R. Jurgensen Company is a subsidiary of Valley Asphalt Corporation.
12. Partnership – Not Applicable
13. Trust – Not Applicable

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons

who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

A handwritten signature in black ink, appearing to read "D. T. Crago", written over a horizontal dashed line.

Daniel T. Crago  
Environmental & Quality Control Manager

H512-0808



# The State of Ohio

**Bob Taft**

Secretary of State

200150

## Certificate

It is hereby certified that the Secretary of State of Ohio has custody of the Records of Incorporation and Miscellaneous Fillings; that said records show the filing and recording of: AMD INC

of:

VALLEY ASPHALT CORPORATION

United States of America  
State of Ohio  
Office of the Secretary of State

Recorded on Roll H512 at Frame 0809 of  
the Records of Incorporation and Miscellaneous Fillings.

Witness my hand and the seal of the Secretary of State at

Columbus, Ohio, this 30TH day of DEC

A.D. 19 92



*Bob Taft*  
**Bob Taft**  
Secretary of State



02/21/92

HC512-0879

136900  
RdC

CERTIFICATE OF AMENDMENT

TO THE ARTICLES OF INCORPORATION OF VALLEY ASPHALT CORPORATION

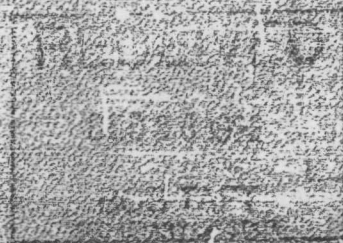
James P. Jurgensen, President and Chief Executive Officer of Valley Asphalt Corporation, pursuant to a Close Corporation Agreement executed March 27, 1989 which authorizes this action, by and between James P. Jurgensen and Valley Asphalt Corporation, does hereby certify that in a writing signed by the sole shareholder who would be entitled to notice of a meeting held for that purpose, the following resolution was adopted to amend Article Fourth of the Corporation's Articles of Incorporation to provide as follows:

FOURTH. The maximum number of shares which the Corporation is authorized to have outstanding is 50,000, all of which shall be without par value.

IN WITNESS WHEREOF, the above-named officer acting for and on behalf of the Corporation, has hereunto subscribed his name this 2 day of December, 1992.

By:

James P. Jurgensen  
President and Chief Executive  
Officer



APPROVED  
FOR FILING

RECEIVED  
FEB 3 1947  
EDWARD J. HUMMEL  
SECRETARY OF STATE

DATE 2-8-47

VOL 528 PAGE 425

VALLEY ASPHALT CORPORATION

The undersigned, a majority of whom are citizens of the United States, desiring to form a corporation for profit, under the General Corporation Act of Ohio, do hereby certify:

FIRST. The name of said corporation shall be VALLEY ASPHALT CORPORATION

SECOND. The place in Ohio where its principal office is to be located is Lorain, Hamilton County.

THIRD. The purpose or purposes for which it is formed are: To carry on the business of buying, owning, manufacturing and selling bituminous concrete and other building and construction materials, the owning or leasing of the necessary real estate and equipment in connection therewith and the performance of all acts permitted to a corporation under the laws of Ohio.

FOURTH. The maximum number of shares which the Corporation is authorized to have outstanding is two hundred fifty (250), all of which shall be without par value.

FIFTH. The amount of capital with which the corporation will begin business is Twenty-five Hundred ----- Dollars (\$ 2500.00).

IN WITNESS WHEREOF, We have hereunto subscribed our names, this seventh day of February, 19 47.

*Loretta Klein*  
*W. H. Blizinski*  
*W. J. Blizinski*

ALL AFFIDAVITS OF DEEDS, ETC., MUST BE RECORDED  
WITHIN 30 DAYS OF DATE.

FEB 8 1947

EDWARD J. HANNA  
CLERK OF STATE

# Original Appointment of Agent

C 107 1316

(Section 8623-129, G. C. O.)

KNOW ALL MEN BY THESE PRESENTS That R. E. SIMMONDS, JR.  
(Name of agent)  
of 211 E. Fourth Street in Cincinnati  
(Street or Avenue) (City or town)  
Hamilton County, Ohio, a natural person and resident  
of said county, being the county in which the principal office of VALLEY ASPHALT  
CORPORATION  
(Name of corporation)  
is located, is hereby appointed as the person on  
whom process, tax notices and demands against said VALLEY ASPHALT CORPORATION  
(Name of corporation)  
may be served.

VALLEY ASPHALT CORPORATION  
(Name of corporation)

L. E. Klein  
Chas. F. Mendenhall  
R. E. Simmonds, Jr.  
(Representative)

Cincinnati, Ohio,

February 7, 1947.

VALLEY ASPHALT CORPORATION  
(Name of corporation)

Gentlemen: I hereby accept the appointment as the representative of your company upon  
whom process, tax notices, or demands may be served.

R. E. Simmonds, Jr.  
(Agent)

State of Ohio,

County of Hamilton, ss:

Personally appeared before me, the undersigned, a Notary Public in and for said County,  
this seventh day of February, 1947, the above  
named R. E. SIMMONDS, JR., who acknowledged the signing of the  
foregoing to be his free act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal on the day and year last aforesaid.

(Albert M. Freiberg)

Hamilton

County, Ohio.

ALBERT M. FREIBERG

Notary Public, State of Ohio



Personally appeared before me, the undersigned, a Notary Public, in and for said county, this seventh day of February, 1947, the above named R. E. Simmonds, Jr., Otto R. Alexander and Loretta Klein who each severally acknowledged the signing of the foregoing articles of incorporation to be his free act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal on the day and year last aforesaid.

Albert M. Freiberg

Notary Public

Hamilton County, O.

(SEAL)

ALBERT M. FREIBERG

Sec. 8623-3. A corporation for profit may be formed hereunder for any purpose or purposes, other than for carrying on the practice of any profession, for which natural persons lawfully may associate themselves, provided that where the General Code makes special provision for the filing of articles of incorporation of designated classes of corporations, such corporations shall be formed under such provisions and not hereunder. Corporations for the erection, owning and conducting of sanitariums for receiving and caring for patients, their medical and hygienic treatment and instruction of nurses in the treatment of disease and of hygiene shall not be deemed to be forbidden hereby.

Sec. 8623-4. Any number of natural persons, not less than three, a majority of whom are citizens of the United States, may form a corporation for profit by subscribing, acknowledging and filing in the office of the secretary of state articles of incorporation.

\*\*\* setting forth:

1. The name of the corporation, which \*\*\* shall end with or include "Company", "Co", "Corporation", "Incorporated" or "Inc.", except as otherwise \*\*\* required by law.
2. The place in this state where the principal office of the corporation is to be located.
3. The purpose or purposes for which it is formed.
4. The maximum number and the par value per share of shares with par value, and the maximum number of shares without par value, which the corporation is authorized to have outstanding; and, if the shares are to be classified—
  - (a) the designation of each class and the number and par value per share, if any, of the shares of each class \*\*\* and
  - (b) the express terms and provisions of the shares of each class.

\*\*\* The express terms and provisions may include statements specifying the dividend rights (which may be cumulative or non-cumulative, at a specified rate, amount or proportion, with or without further participation rights, and may be in preference or junior to or on a parity in whole or in part with dividend rights of shares of any other class or classes; liquidation rights and preferences, liquidation price, redemption rights (which may be at the option of the shareholder or of the corporation or at a specified time or in a specified event), redemption price, sinking fund requirements (which may require the corporation to set aside or provide a sinking fund out of earnings or otherwise for the purchase or redemption of such shares or for dividends thereon), voting rights (which may be full or limited or denied except as otherwise required by this act); preemptive rights, conversion rights (whereby shares may be convertible into shares of any other class or classes, provided that shares with par value shall not be made convertible into shares of greater aggregate par value unless provision is made for payment of the difference by a transfer from surplus in stated capital or otherwise), restrictions on issuance of shares, right of alteration of express terms and provisions, the division of any class into series, the designation and number of shares of each series, and any other relative, participating, optional or other special rights and privileges of, and qualifications, limitations or restrictions on, the rights of holders of shares of any class or series.

The express terms and provisions of shares of different series of any particular class shall be identical except that there may be variations in respect of any or all of the following: dividend rate, dates of payment of dividends and dates from which they are cumulative, redemption rights and price, liquidation price, sinking fund requirements, conversion rights, and restrictions on issuance of shares of the same series or of any other class or series.

By the express terms and provisions of the shares of any class, the board of directors may be authorized, subject to such limitations as may be stated therein, to adopt amendments to the articles, in respect of any unissued or treasury shares of any class, to fix or alter the division of such shares into series, the designation and number of shares of each series, the dividend rate, dates of payment of dividends and dates from which they are cumulative, redemption rights and price, liquidation price, sinking fund requirements, conversion rights, and restrictions on issuance of shares of the same series or of any other class or series.

5. The amount of capital with which the corporation will begin business, which shall be not less than five hundred dollars.
6. If desired, the amount of consideration for which subscriptions to shares without par value may be received by the incorporators. \*\*\*
7. If desired, the valuation of any considerations to be received for shares either with or without par value proposed to be presently issued.
8. Any lawful provisions which may be desired for the purpose of defining, limiting and regulating the exercise of the authority of the corporation, or of the directors or of all of the shareholders. \*\*\* Any provision authorized to be made in the regulations of a corporation may, if desired, be made in its articles.
9. Such additional provisions permitted by other sections of this act as may be desired.

If the corporation is for a purpose which includes the construction of a steam or electric railroad in more than one county or state, the articles shall also set forth its termini and the counties in this state into or through which it or its branches will pass.

A written appointment of an agent upon whom process, tax notices and demands against such corporation may be served as hereinafter provided shall be filed with the articles.

New matter in italics—118 Ohio Laws—Amended Senate Bill No. 47, effective July 24, 1939.

# Articles of Incorporation

VALLEY ASPHALT CORPORATION

C137 1313

Filed in the office of the Secretary of State, Columbus, Ohio, on the 8 day of Feb. 1947, and recorded in Volume 528, Page 137.

of the Records of Incorporation.

Articles of incorporation may be subscribed by at least three persons, one of whom must be citizens of the United States. They may be acknowledged by any officer who is authorized to take acknowledgments of deeds.

FOR FEES, SEE G. C. Sec. 176, As Amended in 114 Ohio Laws page 80.

FREIBERG & SIMMONDS  
211 E. 4TH ST.  
CITY

Page 63 Line 14  
Number 200150  
Form A-1



ACORD

## CERTIFICATE OF LIABILITY INSURANCE

CSR NF  
JOHNR-5DATE (MM/DD/YY)  
03/22/02

## PRODUCER

Schiff, Kreidler-Shell, Inc.  
1 West Fourth St. Suite 1300  
Cincinnati OH 45202  
Phone: 513-977-3100 Fax: 513-977-3129

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION  
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE  
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR  
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

## INSURERS AFFORDING COVERAGE

## INSURED

Valley Asphalt Corporation  
11641 Mosteller Road  
Cincinnati OH 45241

INSURER A: ACUITY

INSURER B:

INSURER C:

INSURER D:

INSURER E:

## COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING  
ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR  
MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH  
POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR	D31028	04/01/02	04/01/03	EACH OCCURRENCE \$ 1,000,000 FIRE DAMAGE (Any one fire) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRD AUTOS NON-OWNED AUTOS	D31028	04/01/02	04/01/03	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
A	EXCESS LIABILITY <input checked="" type="checkbox"/> OCCUR CLAIMS MADE	D31028	04/01/02	04/01/03	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 DEDUCTIBLE \$ RETENTION \$
	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU- TORY LIMITS OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	OTHER Employer's Liab. (Ohio Stop Gap)	D31028	04/01/02	04/01/03	1,000,000 Each Accident

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

CERTIFICATE HOLDER

N ADDITIONAL INSURED; INSURER LETTER:

## CANCELLATION

BLANK-1

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION  
DATE THEREOF, THE ISSUING INSURER WILL ~~NOTIFY BY MAIL~~ 30 DAYS WRITTEN  
NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT ~~THE INSURER~~ SHALL  
IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR  
REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Thomas Melnick